

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ERIC ADAMS,

Plaintiff,

v.

WESTLAKE PORTFOLIO
MANAGEMENT, LLC,

Defendant.

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1:23-CV-04295-ELR-RDC

ORDER

This case is before the Court on Magistrate Judge Regina D. Cannon’s Non-Final Report and Recommendation (“R&R”). [Doc. 20]. The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” See 28 U.S.C. § 636(b)(1); see also FED. R. CIV. P. 72(b)(3). No objections to the Magistrate Judge’s R&R have been filed, and therefore, the Court has reviewed the R&R for clear error. See Thomas v. Arn, 474 U.S. 140, 154 (1985); Macort v. Prem, Inc., 208 F. App’x 781, 784 (11th Cir. 2006); see also Tauber v. Barnhart, 438 F. Supp. 2d 1366, 1373 (N.D. Ga. 2006). The Court finds no error.

Thus, the Court **ADOPTS** the R&R as the opinion of this Court. [Doc. 20].
For the reasons stated in the R&R, the Court **GRANTS IN PART AND DENIES**

IN PART Defendant Westlake Portfolio Management, LLC’s “Motion to Dismiss Plaintiff’s Second Amended Complaint.” [Doc. 14]. The Court **GRANTS** Defendant’s motion to dismiss Plaintiff Eric Adams’ claims brought pursuant to §§ 1692c(a)(1), 1692d(4), 1692(e)(4), 1692e(5), 1692e(10), 1692f(1), 1692f(6), and 1692g of the Fair Debt Collection Practices Act (“FDCPA”). Accordingly, the Court **DISMISSES WITH PREJUDICE** those claims. The Court **DENIES** Defendant’s motion to dismiss Plaintiff’s claims brought pursuant to §§ 1692c(c) and 1692d(5) of the FDCPA and Plaintiff’s Telephone Consumer Protection Act claims.

The Court **ORDERS** Defendant to answer the Second Amended Complaint within fourteen (14) days of the date of this order. Additionally, the Court **ORDERS** the Parties to file an amended Joint Preliminary Report and Discovery Plan within thirty (30) days of the date of this order. The Court **DIRECTS** the Clerk to resubmit this matter to the Magistrate Judge for further pretrial proceedings.

SO ORDERED, this 19th day of April, 2024.



Eleanor L. Ross
United States District Judge
Northern District of Georgia